

1937

c 238 Operating Engineers Act

Ontario

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CHAPTER 238.

The Operating Engineers Act.

Interpretation.

1. In this Act,—

"Board."

- (a) "Board" shall mean the board of examiners appointed under the authority of this Act;

"Compressor plant."

- (b) "Compressor plant" shall include the machinery and equipment used for compressing or storing air or other gas under pressure when the brake rating of the motive power driving such machinery and equipment exceeds 25 horse power, except when the motive power is steam, in which case such machinery and equipment shall form part of a steam plant;

"Fireman."

- (c) "Fireman" shall mean a person who is the holder of a certificate of qualification authorizing him to perform the work and duties prescribed by the regulations relating to firemen;

"Hoisting plant."

- (d) "Hoisting plant" shall include the machinery and equipment used for raising or lowering materials except permanently installed freight and passenger conveyances and except also when the motive power for such machinery and equipment is an internal combustion engine or electric motor of 25 horse power or less;

"Horse-power of an internal combustion engine."

- (e) "Horse power of an internal combustion engine" shall mean horse power as calculated from the following formula:

$$\text{H.P.} = \frac{\text{diam. of cylinders in inches} \times \text{number of cylinders}}{2.5}$$

"Horse power of a stationary steam plant."

- (f) "Horse power of a stationary steam plant" shall mean horse power as calculated from the following formulæ:

- (i) one horse power equals 15 square feet of heating surface in return tubular boilers;
- (ii) one horse power equals 12 square feet of heating surface in internally fired boilers;

- (iii) one horse power equals 10 square feet of heating surface in water tubular boilers;
- (iv) one horse power equals the input of 10 k.w. hours in electric boilers;
- (g) "Inspector" shall mean an officer of the Department of Labour; "Inspector."
- (h) "Minister" shall mean Minister of Labour; "Minister."
- (i) "Operating engineer" shall mean a person who is a holder of a certificate of qualification authorizing him to operate any one or more of the kinds of plants defined in this section; "Operating engineer."
- (j) "Portable steam plant" shall include a steam boiler and the engines, machinery and equipment used in connection therewith when such boiler is not permanently attached to a solid base; "Portable steam plant."
- (k) "Stationary steam plant" shall include a steam boiler or boilers and the engines, pumps, machinery and equipment used in connection therewith whenever the horse power rating of the boiler or boilers combined exceeds 25; "Stationary steam plant."
- (l) "Traction steam plant" shall include a steam boiler and the engines, machinery and equipment connected therewith when such boiler and connections are automotive. 1937, c. 55, s. 2. "Traction steam plant."

2.—(1) The Lieutenant-Governor in Council may appoint a board of examiners to be composed of either three or five competent and independent operating engineers, one of whom shall be designated as the chairman and each of whom shall possess the qualifications required by the regulations and shall hold office during pleasure. Board of examiners.

(2) The Lieutenant-Governor in Council may assign such examiners, officers, inspectors, clerks and servants of the Department of Labour for the purposes of the board as may be deemed necessary. Administrative staff.

(3) The board on or before the 1st day of May in every year shall report in writing to the Minister with respect to the fiscal year ending on the 31st day of March in such year showing,— Annual report of the board.

- (a) the number of certificates granted;
- (b) the number of applications for certificates refused and the causes for refusal;

- (c) the number of certificates revoked, cancelled or suspended and the causes therefor;
- (d) the amount of fees received from applicants or holders of certificates;
- (e) the number of plants registered during the year;
- (f) the amount of fees received from plant owners for registration purposes;
- (g) such other matters as may be directed by the Minister or the Lieutenant-Governor in Council.

Powers of
board.

(4) The board shall, subject to the regulations, have authority to administer and enforce this Act and prescribe the subjects in which applicants for certificates of qualification as operating engineers and firemen shall be examined and to provide for and conduct such examinations and report thereon to the Minister with its recommendation as to each applicant. 1937, c. 55, s. 3.

Regulations.

3. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

- (a) prescribing the qualifications to be possessed by members of the board;
- (b) establishing different classifications of operating engineers and firemen and defining the scope of work and duties which may be performed by the persons in each classification;
- (c) prescribing the forms of certificates of qualification for each classification of operating engineers and firemen and the qualifications to be possessed by applicants for such certificates;
- (d) the examination of applicants for certificates and the evidence to be furnished by them as to previous training, experience, sobriety and character;
- (e) prescribing the fees payable upon examination and for certificates of qualification; and
- (f) generally for the better carrying out of the provisions of this Act. 1937, c. 55, s. 4.

Issue of
certificates
to engineers
and firemen.

4.—(1) On the recommendation of the board and on payment of the fees prescribed by the regulations the Minister may issue a certificate of qualification as an operating engineer or fireman to any person who is a British subject and who has passed the examination prescribed by the board, or to any

person who, in the opinion of the board, is the holder of a certificate of an equivalent rating issued by the properly constituted authority in any other province of Canada.

(2) On the recommendation of the board and on payment of the fees prescribed by the regulations the Minister may issue to the owner of any kind of plant to which this Act applies a certificate of registration.

(3) Subject to the regulations any certificate may be revoked, cancelled or suspended by the Minister at any time.

(4) Every person who is the owner of a stationary steam plant or compressor plant or a portable steam plant shall furnish to the board, on a printed form supplied by the board on application therefor, complete information as to the horse power of the plant and the pressure at which safety valves on boilers and tanks are set to relieve pressure and on receipt of such information the Minister may issue a certificate of registration and any change made in the plant subsequent to the issuing of such certificate shall be reported to the board within fifteen days of the making of such change.

(5) Every person who is the owner of an internal combustion engine shall supply to the board upon request complete information as to the diameter and number of cylinders in such engine. 1937, c. 55, s. 5.

5. Any person who deems himself aggrieved by a decision of the board may appeal therefrom to the Minister, upon giving such notice as the Minister may prescribe, and the decision of the Minister shall be final. 1937, c. 55, s. 6.

6.—(1) The certificate of qualification shall at all times be exposed to view in the engine, compressor or boiler room in which the holder thereof is employed, except in the case of a hoisting plant, traction steam plant or portable steam plant, when such certificate shall be carried upon the person of the operator.

(2) The certificate of plant registration shall at all time be exposed to view in the engine, compressor or boiler room of the plant.

(3) Failure to comply with the provisions of subsections 1 and 2 shall *prima facie* be evidence of the lack of qualification under this Act. 1937, c. 55, s. 7.

7.—(1) Any member of the board or, on presentation of authority in writing signed by the Minister, any inspector may enter any premises wherein he has reason to believe

there is a plant of the kind mentioned in section 1 and make such inspection as may be necessary to determine whether the provisions of this Act are being complied with.

Penalty
for inter-
ference.

(2) Any person who interferes with or obstructs a member of the board or an inspector in the exercise of the powers conferred upon him shall incur a penalty of not less than \$10 and not exceeding \$100.

Penalty
for im-
personation.

(3) Any person impersonating another and presenting himself for examination under a false name in order to obtain a certificate for a person other than himself, shall incur a penalty of not less than \$50 and not exceeding \$200. 1937, c. 55, s. 8.

Operation by
unqualified
person
prohibited.

8.—(1) No person other than an operating engineer shall perform the work or duties of an operating engineer.

Fireman.

(2) No person other than an operating engineer or a fireman shall perform the work or duties of a fireman.

Unauthor-
ized work.

(3) No operating engineer or fireman may perform work or duties which are not authorized by the scope of his certificate of qualification.

After can-
cellation or
suspension.

(4) No person whose certificate of qualification has been cancelled or suspended may after cancellation or during suspension perform the work or duties of an operating engineer or fireman.

Employment
of unauthor-
ized person.

(5) No person may employ or permit any person who is not an operating engineer or fireman, to perform the work or duties of an operating engineer or fireman, as the case may be, or any person who is an operating engineer or fireman to perform any work or duties which are not authorized by the scope of his certificate of qualification.

Absence of
qualified
person.

(6) If for any reason other than dismissal an operating engineer or fireman is absent from his duties without having given his employer not less than seven days' notice of his intended absence his duties may be performed by any person for a period not exceeding seven days. 1937, c. 55, s. 9.

Exceptions
from Act.

9. This Act shall not apply to,—

(a) workmen acting under the personal direction and supervision of an operating engineer who is actually in charge of a stationary steam plant, compressor plant, portable steam plant or traction steam plant or to workmen engaged in installing, setting up or

testing a stationary steam plant, compressor plant, portable steam plant or traction steam plant, provided, however, that such exceptions shall not permit the operation of hoisting plants by any person other than an operating engineer;

- (b) winze hoists and shaft hoists in mines;
- (c) steam plants while used in farming operations as distinguished from horticultural operations;
- (d) locomotives operating on a chartered railroad;
- (e) any kind of steam plant situated on a vessel floating on navigable waters while such plant is not adjacent to the shore. 1937, c. 55, s. 10.

10.—(1) Every person who contravenes any of the provisions of this Act or of the regulations shall be guilty of an offence and shall, where no other penalty is provided, be liable to a fine of not less than \$25 and not exceeding \$50. Penalties.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*. 1937, c. 55, s. 11. Recovery
of penalties.
Rev. Stat.
c. 136.

11. The fees collected shall be remitted to the Board and every cheque in respect thereof shall be made payable to the Treasurer of Ontario. 1937, c. 55, s. 12. Fees payable
to board.